

Senate File 2218 - Introduced

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BY JOHNSON

A BILL FOR

1 An Act establishing an Iowa great lakes management initiative,
2 and providing appropriations to a related fund.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 161D.21 **Definitions.**

2 As used in this subchapter, unless the context otherwise
3 requires:

4 1. "*Commissioners*" means the commissioners of the soil and
5 water conservation district responsible for the Iowa great
6 lakes watershed as provided in chapter 161A.

7 2. "*Depository*" means the same as defined in section 12C.1.

8 3. "*Division*" means the division of soil conservation of the
9 department of agriculture and land stewardship as provided in
10 chapter 161A.

11 4. "*Fund*" means the Iowa great lakes management initiative
12 fund created in section 161D.24.

13 5. "*Initiative*" means the Iowa great lakes management
14 initiative established pursuant to section 161D.22.

15 Sec. 2. NEW SECTION. 161D.22 **Legislative findings — Iowa**
16 **great lakes management initiative established.**

17 1. The general assembly finds all of the following:

18 a. The Iowa great lakes include the state's largest natural
19 lakes, renowned for their unique clear blue waters.

20 b. The Iowa great lakes are an indispensable part of
21 Iowa's natural heritage, providing recreational and leisure
22 opportunities to all Iowans.

23 c. The Iowa great lakes have long been one of the state's
24 most important visitor attractions, making fundamental
25 contributions to the prosperity of northwest Iowa and the
26 entire state.

27 2. An Iowa great lakes management initiative is established
28 to protect, restore, and enhance the Iowa great lakes as a
29 critical natural resource of the state.

30 Sec. 3. NEW SECTION. 161D.23 **Administration of the Iowa**
31 **great lakes management initiative.**

32 1. The soil and water conservation district responsible for
33 the Iowa great lakes watershed shall administer the Iowa great
34 lakes management initiative to further the purposes set out in
35 section 161D.22.

1 2. The commissioners shall encourage the adoption of best
2 management practices by persons involved in planning or using
3 land or water resources located within the Iowa great lakes
4 watershed, including by doing all of the following:

5 a. Providing for sustainable agricultural practices, urban
6 development, and recreational uses.

7 b. Safeguarding the Iowa great lakes as a unique and vital
8 natural resource.

9 c. Cooperating with stakeholders in the watershed, including
10 all of the following:

11 (1) The federal and state government, including the
12 department of agriculture and land stewardship and the
13 department of natural resources.

14 (2) Local governments located within the watershed.

15 (3) Organizations and individuals interested in the
16 watershed.

17 3. The commissioners shall administer the Iowa great lakes
18 management initiative fund established in section 161D.24.

19 4. The commissioners shall have all powers necessary to
20 carry out this section. In carrying out this section, the
21 commissioners may do all of the following:

22 a. Adopt and revise a long-term strategic plan and any
23 compatible short-term plans.

24 b. Provide for long-term programs and short-term projects.

25 c. Cooperate with stakeholders in order to optimize
26 financing.

27 d. Authorize payment for costs, fees, commissions, or other
28 reasonable expenses from moneys deposited into the Iowa great
29 lakes management initiative fund. However, the commissioners
30 shall not in any manner directly or indirectly pledge the
31 credit of this state.

32 e. Enter into contracts including but not limited to
33 agreements with owners or occupants of land. The commissioners
34 may provide for the payment of financial incentives for
35 establishing or maintaining permanent or temporary soil and

1 water conservation practices as provided in chapter 161A. The
2 financial incentives may be provided on a cost-share basis in
3 the same manner as provided in chapter 161A.

4 5. The commissioners acting under this chapter shall not do
5 any of the following:

6 a. Compel a person to take action or refrain from taking
7 action, unless the commissioners are proceeding under the terms
8 of a contract pursuant to which the person is a party.

9 b. In any manner directly or indirectly pledge the credit of
10 the state of Iowa.

11 6. The division of soil conservation may adopt rules as
12 necessary in order to provide for the administration of this
13 subchapter by the commissioners.

14 Sec. 4. NEW SECTION. 161D.24 Iowa great lakes management
15 initiative fund.

16 1. An Iowa great lakes management initiative fund is
17 created. The fund shall be an account established in a
18 depository and controlled by the commissioners.

19 2. The fund shall consist of moneys appropriated to the
20 fund, moneys required to be credited to the fund, and moneys
21 accepted by the commissioners from any source for placement in
22 the fund.

23 3. The fund shall be used exclusively to finance efforts to
24 further the Iowa great lakes management initiative established
25 pursuant to section 161D.22 and for the administration of the
26 initiative as provided in section 161D.23. Moneys in the fund
27 shall not be used to support any of the following:

28 a. Regulatory efforts.

29 b. Efforts to promote economic development activities
30 including but not limited to recreational or leisure
31 opportunities or tourism.

32 4. Not more than fifty thousand dollars from the fund
33 shall be used for purposes of administering this subchapter
34 in any fiscal year. However, upon a two-thirds majority
35 vote approving a measure, the commissioners may authorize up

1 to one hundred thousand dollars to be used for purposes of
2 administering this subchapter in a specific fiscal year.

3 5. *a.* Notwithstanding section 8.33, any unexpended or
4 unobligated balance remaining in the fund at the end of a
5 fiscal year shall be retained in the fund for expenditure as
6 provided in this section.

7 *b.* Notwithstanding section 12C.7, subsection 2, interest or
8 earnings on investments or time deposits of the moneys in the
9 fund shall be credited to the fund. The recapture of awards
10 originating from the fund shall be retained in the fund.

11 6. The division of soil conservation may provide for a
12 review of the fund's receipts and expenditures as determined
13 reasonable by the division. The division may require any of
14 the following:

15 *a.* A financial statement prepared by the commissioners.

16 *b.* A financial statement that is accompanied by an
17 unqualified or qualified opinion based upon an audit performed
18 by a certified public accountant licensed in this state.

19 *c.* An audit report prepared by the auditor of state.

20 Sec. 5. NEW SECTION. 161D.25 **Standing appropriation.**

21 For each fiscal year of the fiscal period beginning July 1,
22 2014, and ending June 30, 2034, there is appropriated from the
23 general fund of the state the sum of one million dollars, to be
24 deposited in the Iowa great lakes management initiative fund
25 created pursuant to section 161D.24.

26 Sec. 6. NEW SECTION. 161D.26 **Annual report.**

27 1. The commissioners shall prepare an annual report.

28 2. The annual report shall be filed with all of the
29 following:

30 *a.* The department of management.

31 *b.* The department of agriculture and land stewardship.

32 *c.* The department of natural resources.

33 *d.* The legislative services agency.

34 3. The annual report shall be filed in an electronic format
35 by 4:30 p.m. on December 31 of each year.

1 4. The annual report shall provide information regarding
2 the Iowa great lakes management initiative, including all of
3 the following:

4 a. Its operations and accomplishments.

5 *b.* Its budget, receipts, and actual expenditures during the
6 previous fiscal year.

7 c. Its assets and liabilities and the status of the Iowa
8 great lakes management initiative fund at the end of the
9 previous fiscal year.

10 *d.* A statement of its proposed and projected activities for
11 the current and subsequent fiscal years.

12 e. Performance goals, and a description indicating the
13 extent of progress during the reporting period in attaining the
14 performance goals.

15 f. Recommendations to the governor and the general assembly,
16 as the commissioners deem necessary.

17 ***g.*** Any other information that the commissioners deem
18 necessary.

EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 INTRODUCTION. This bill establishes an Iowa great lakes
23 management initiative in order to protect, restore, and enhance
24 the Iowa great lakes as a critical natural resource of the
25 state. The bill includes a finding that the Iowa great lakes
26 are an indispensable part of Iowa's natural heritage.

ADMINISTRATION. According to the bill, the initiative is to be administered by the soil and water conservation district responsible for the Iowa great lakes watershed under Code chapter 161A. The governing body of a district consists of five commissioners elected on a nonpartisan basis (Code section 161A.5). The commissioners are required to encourage the adoption of best management practices by persons involved in planning or using the watershed where the Iowa great lakes are located. This includes providing for sustainable

1 agricultural practices, urban development, and recreational
2 uses; safeguarding the watershed as a unique and vital natural
3 resource; and cooperating with stakeholders in the watershed.

4 FUND. The bill establishes an Iowa great lakes management
5 initiative fund which is an account established and controlled
6 by the commissioners. The fund includes moneys accepted by
7 the commissioners for deposit in and moneys appropriated to
8 the fund. Moneys in the fund are to be used exclusively to
9 finance efforts to further the initiative and cannot be used
10 for regulatory efforts or to promote economic development
11 activities. The bill also places limits upon the amount of
12 moneys that may be used for administration. The department of
13 agriculture and land stewardship, acting through its division
14 of soil conservation, is responsible for reviewing the fund's
15 receipts and expenditures.

16 APPROPRIATION. The bill appropriates \$20 million to
17 the fund over a period of 20 years. Specifically, the bill
18 appropriates \$1 million to the fund each fiscal year beginning
19 on July 1, 2014, and ending June 30, 2034.

20 REPORT. The bill requires the commissioners to prepare
21 an annual report to be filed with various interested state
22 agencies and the legislative services agency. The report must
23 provide information regarding the initiative and the fund. It
24 must include performance goals and may include recommendations
25 for further legislative action.